



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2401564  
**Applicant Name:** Ben Rankin for Amie Johnson  
**Address of Proposal:** 9720 6<sup>th</sup> Ave NW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: 3,086 sq. ft. and 5,000 sq. ft. The existing structures are to remain. At the time of this decision there was no related building permit application.

The following approval is required:

**Short Subdivision** - To subdivide one parcel into two lots.  
(SMC Chapter [23.24](#), [23.24.046](#))

**BACKGROUND DATA**

Zoning: SF5000  
Date of Site Visit: NA  
Uses on Site: Single Family Residential

**Site and Vicinity Characteristics**

The 8086 square foot site is occupied by two legally established single family homes, which are to remain. The neighborhood consists of single family neighborhoods to the south, a narrow multifamily zone to the north, and a commercial corridor further north along the NE-SW corridor of Holman Road NW. The street is paved in front of the property, but lacks curbs and sidewalks.

**Proposal**

Pursuant to SMC [23.24.046](#), multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed Parcel A will have direct pedestrian and vehicle access to 6<sup>th</sup> Ave NW, and Parcel B will have pedestrian access via an easement across Parcel A. The existing single family residences will remain. The existing nonconforming driveway will remain.

This analysis and decision solely addresses the proposed division of land.

### Public Comment

The public comment period ended April 28, 2004. DPD has received two written comments from the public related to the subdivision application. Comments related to minimum lot size, potential for multifamily development, and adequacy of access from the proposed Parcel B. DPD has responded in writing to each letter, addressing the above concerns as they relate to DPD's review authority.

### ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC [23.24.040](#), no short plat shall be approved unless all of the following facts and conditions (as applicable) are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section [23.24.045](#), unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing, and*
8. *Conformance to the provisions of Section [23.24.046](#), Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the applicable criteria cited above (#5 and #7 do not apply) have been met subject to the conditions imposed at the end of this decision.

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. Minimum lot size is subject to exceptions in SMC [23.44.010 B](#) and [23.24.046](#). Single family zoning allows one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC [23.44.041](#). Certain nonconforming lots containing multiple single-family dwellings may be eligible for subdivision if they meet the provisions of SMC [23.24.046](#). Under those provisions, the Director may modify or waive development standards, such as lot size, lot

coverage, required yards, and location of parking and access. Table 1 on page 5 of this document outlines this application's proposed nonconformities to development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section [23.53.005](#);*

Proposed parcel A will have direct vehicular and pedestrian access to 6<sup>th</sup> Ave NW. Parcel B will have an easement for pedestrian access to 6<sup>th</sup> Ave NW over the south 5.8' – 8.0' of Parcel A. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots. The required easement language is contained in Appendix A.

Two conforming parking spaces exist on the site, located in a two-car garage attached to the principal structure on proposed Parcel A. Access to parking is via a driveway that appears to be nonconforming to SMC [23.54.030 F1](#). Due to the location and configuration of the existing structures it is infeasible to provide vehicle access to the proposed Parcel B, and no conforming parking space exists on the site outside of the attached garage. DPD therefore considers it reasonable to waive required parking for Parcel B, per SMC [23.24.046 B4](#).

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on December 1th, 2003 (WAC ID No. 2004-0360). The Sewer and Drainage Reviewer recommended no conditions.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has appropriate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

The survey shows two mature trees located on the site, both Douglas firs, and both on the proposed Parcel B. The application involves no construction, and future construction resulting from the subdivision is uncertain. DPD considers the configuration of the proposed lots to be an appropriate option for maintenance of the existing trees.

7. *Conformance to the provisions of Section [23.24.045](#), Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision.

8. *Conformance to the provisions of Section [23.24.046](#), multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Subsection B of the SMC [23.24.046](#) outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section [23.42.102](#), Establishing nonconforming status;*

DPD's permit history reflects that two legal single family homes have been established on the site. The first was built in 1950 (King County #99339), and the second in 1953 (KC #119136). The requirements of this section are met as the single-family residences were legally established by permit. A Certificate of Land Use issued January 9, 1991, is located in the project file and in DPD's microfilm records.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

As stated above, the existing homes were constructed in 1950 and 1953.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot, and by the permit history detailed above. The provisions of this section are met.

4. *Parking is provided in accordance with Section [23.44.016](#), Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

*...b. The short subdivision cannot be configured to provide parking in compliance with Section [23.44.016](#);*

Two conforming parking spaces exist on the site, located in a two-car garage attached to the principal structure on proposed Parcel A. Access to parking is via a driveway that appears to be nonconforming to SMC [23.54.030 F1](#). Due to the location and configuration of the existing

structures it is infeasible to provide vehicle access to the proposed Parcel B, and no conforming parking space exists on the site outside of the attached garage. DPD therefore considers it reasonable to waive required parking for Parcel B, per SMC [23.24.046 B4](#).

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*
- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
  - b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision meets the above criteria. Below is a table that summarizes the modification or waivers to development standards required to approve the short plat.

	Lot size	Front Yard (west)	Side Yards (N/S)	Rear Yard (east)	Lot cover- age	Parking
<i>Proposed Parcel A 9720 6<sup>th</sup> Ave NW</i>	Conforming at >5000 sq.ft.	Unchanged	Unchanged	Conforming at > 20% of lot depth	Conforming at < 35% of lot size.	Unchanged
<i>Proposed Parcel B 9718 6<sup>th</sup> Ave NW</i>	Noncon- forming at <5000 sq.ft. (3086 sq.ft)	Conforming at > 20' (23.1')	Unchanged	Unchanged	Conforming at < 1750 sq.ft.	Noncon- forming (none pro- vided)

**Table 1: Proposed modifications to development standards.**

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter.

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(ies) shall

1. Comply with all applicable standard recording requirements and instructions. Conditions of approval following recording shall be added to face of plat.
2. Show the required utilities easement on the plat as described in Appendix A on page 7.

*Prior to issuance of any building permit*

The owner(s) and/or responsible party(s) shall

3. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file) Date: July 26, 2004

Scott A. Ringgold, Land Use Planner

Department of Planning and Development

SAR:rgc

H:\Doc\Current\2401564BenRankin\2401564dec.doc

**Appendix A**

**EXHIBIT "A" TO CITY OF SEATTLE  
SHORT SUBDIVISION NO. 2401564  
P.M.# 260336-1-012B**

EASEMENT (Overhead and Underground)

THIS EASEMENT GRANTS to the City of Seattle, its successors and assigns, hereafter called the Grantee, the right, privilege and authority to install, construct, erect, alter, improve, repair, energize, operate and maintain electric overhead and underground distribution facilities at depths not exceeding 15 feet, which consist of poles with braces, guys and anchors, crossarms, transformers, ducts, vaults, manholes, cabinets, containers, conduits, wires and other necessary or convenient appurtenances to make said underground and overhead installations an integrated electric system. All such electric system is to be located across, over, upon and under the following described lands situated in the County of King, State of Washington, to wit:

The north 4.50 feet of the west [82.75] feet of Lot 4 Kriegel's Acre Tracts, according to the plat recorded in Volume 23 of Plats, page 7, records of King County, Washington;  
EXCEPT any portion thereof lying within the existing house on said property.

(Being the north 4.50 feet of PARCEL A, City of Seattle Short Subdivision No. 2401564;  
EXCEPT any portion thereof lying within the existing house on said parcel A.)

Together with the right at all times to the Grantee of ingress to and egress from said lands across adjacent lands within PARCEL A, City of Seattle Short Subdivision No 2401564 for the purpose of installing, constructing, reconstructing, repairing, renewing, altering, changing, patrolling, energizing and operating said electric system, and the right at any time to remove all or any part of said electric system from said lands.

Also together with the right to the Grantee at all times to cut and trim brush, trees or other plants standing or growing upon said easement area and adjacent lands which, in the opinion of the Grantee, interfere with the maintenance or operation of the system, or constitute a menace or danger to said electric system.

It is covenanted and agreed that no structure or fire hazards will be erected or permitted within the above described easement area without prior written approval from the Grantee, its successors and assigns.

It is further covenanted and agreed that no digging will be done or permitted within the easement area which will in any manner disturb the facilities or their solidity or unearth any portion thereof; and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of said lines and appurtenances.

The Grantee is to be responsible, as provided by law, for any damage through its negligence in the construction, maintenance and operation of said electric system across, over, upon and under the property granted in this easement or land adjacent thereto.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its successors, assigns shall permanently remove said poles, wires and appurtenances from said lands or shall otherwise permanently abandon said electric system, at which time all such rights, title, privileges and authority hereby granted shall terminate.